



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,452	10/31/2003	Frances Jiang	20-3-2-19	2851

46290 7590 12/15/2005

WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,452	Applicant(s) JIANG ET AL.	
	Examiner James D. Ewart	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 10/699,452

Art Unit: 2683

Response to Arguments

1. Applicant's arguments filed 18 November 2005 have been fully considered but they are not persuasive. Applicant argues that Ament does not teach transmitting at least one message comprising existing delay information and estimating the delay length associated with the service, Examiner disagrees. Ament teaches in 0002 "The resource manager reserves a service from a providing bus user if the service is free and sends a response to a requesting bus user so that the requesting bus user can use the service from the providing bus user via the data bus." and further states in 0021 that "A resource conflict arises when a requested resource has already been engaged. ...A requesting bus user can indicate whether it needs to be put into a waiting list if the service is engaged." As shown in Figure 2 an application sends a service request 9 to the resource manager. And in response the resource manager sends a response to the request 14, which includes the waiting time for the service (see 0043). The resource manager doesn't know exactly how long the service will be engaged for and thus the waiting time i.e. delay is an estimate see 0009. In addition, the time to accomplish a communication service can vary based on the communication conditions, which can alter the throughput.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Application/Control Number: 10/699,452

Art Unit: 2683

2. Claims 1,2,5-9,10,11, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ament (U.S. Patent Publication No. 2004/0105436) and further in view of Bender et al. (U.S. Patent No. 6,366,779).

Referring to claims 1 and 10, Ament teaches a method of communication comprising: in response to a request for service (0020), transmitting at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing a service (0021 and 0043), but does not teach accessing a service through an open loop network. Bender et al teaches accessing a service through an open loop network (Column 1, Lines 42-44, Column 2, Lines 59-61 and Column 4, Lines 24-28). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ament with the teaching of Bender et al of accessing a service through an open loop network to rapidly assign traffic channels (Column 4, Line 15).

Referring to claims 2 and 11, Ament further teaches wherein the estimated delay length comprises at least one time interval between a first instant corresponding with a received service request (0043) and a second instant corresponding with granting service access (0043). The time interval is equated with the length of the waiting time.

Referring to claims 5 and 14, Ament further teaches wherein the estimated delay length corresponds with at least one of traffic congestion, channel condition, system loading (0021 and 0043), processor occupancy, queuing delay, and scheduler delay.

Application/Control Number: 10/699,452

Art Unit: 2683

Referring to claims 6 and 15, Bender et al further teaches wherein the open loop network comprises at least one of a wireline network and a wireless network (Column 1, Lines 8-12).

Referring to claims 7 and 16, Ament further teaches comprising: collecting information corresponding with at least one parameter associated with service access (0021 and 0043).

Referring to claim 8, Ament further teaches comprising: determining at least one pattern associated with the at least one parameter (0021 and 0043).

Referring to claims 9 and 17, Ament further teaches wherein the at least one parameter comprises at least one of traffic, channel condition, and service demand (0021).

3. Claims 3,4,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ament and Bender et al in view of Buford et al. (U.S. Patent No. 5,945,948).

Referring to claims 3 and 12, Ament and Bender et al teach the limitations of claims 3 and 12, but do not teach wherein the service request is autonomous and generated at a predefined moment in time. Buford et al. teaches wherein the service request is autonomous and generated at a predefined moment in time (Column 17, Lines 63-65). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ament and Bender et al with the teaching of Buford et al. wherein the service request

Application/Control Number: 10/699,452

Art Unit: 2683

is autonomous and generated at a predefined moment in time to automatically send new access requests when requests are not received (Column 17, Lines 63-65)

Referring to claims 4 and 13, Buford et al. further teaches wherein the predefined moment in time comprises at least one of a periodic (Column 17, Lines 63-65) and an aperiodic instant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

Application/Control Number: 10/699,452

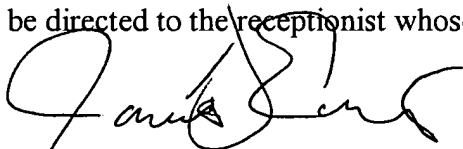
Art Unit: 2683

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.

Ewart

December 9, 2005



**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**